

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PABLO P. PINA,

No. C 07-4989 SI (pr)

Plaintiff,

**ORDER**

v.

JAMES TILTON, Director/Secretary;  
et al.,

Defendants.


Defendants have filed a motion to dismiss this action on the grounds that plaintiff did not exhaust administrative remedies and that they are entitled to qualified immunity. Plaintiff has moved for an extension of time to file his opposition to the motion to dismiss. Upon due consideration, plaintiff's motion for extension of time is GRANTED. (Docket # 47.) Plaintiff must file and serve on opposing counsel his opposition to the motion to dismiss no later than **December 28, 2009**. Defendants must file and serve on plaintiff their reply, if any, no later than **January 15, 2010**.

In light of the fact that defendants' motion to dismiss raises a qualified immunity defense, plaintiff's motion to compel discovery is DENIED (docket # 46) and discovery is now STAYED until the court rules on the pending motion to dismiss. The U.S. Supreme Court has made it abundantly clear that a district court should stay discovery until the threshold question of qualified immunity is settled. See Crawford-El v. Britton, 523 U.S. 574, 598 (1998); Anderson v. Creighton, 483 U.S. 635, 646 n.6 (1987); Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982).

1 Plaintiff's second motion for reconsideration is DENIED. (Docket # 38.) When the court  
2 denied plaintiff's first motion for reconsideration, it specifically stated that no further motions  
3 for reconsideration would be considered regarding the denial of leave to amend.

4 IT IS SO ORDERED.

5 Dated: November 5, 2009

  
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SUSAN ILLSTON  
United States District Judge